

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K-694PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/011181	International filing date (<i>day/month/year</i>) 02 September 2003 (02.09.2003)	Priority date (<i>day/month/year</i>) 02 September 2002 (02.09.2002)
International Patent Classification (IPC) or national classification and IPC F16F 15/02, E02F 3/40		
Applicant KOMATSU LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input checked="" type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input checked="" type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 24 September 2003 (24.09.2003)	Date of completion of this report 14 September 2004 (14.09.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

See supplemental sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☒ all parts.
- ☐ the parts relating to claims Nos. _____

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV.3

Claims 3, 9, 11, 13, 15, 19 and 20 pertain to a vibration damping device exhibiting a technical feature of an "inner region of a laminated plate, said inner region being fixed to the side plate of the bucket for a construction machine" is specified in detail.

Claims 4-8, 10, 12, 14 and 21 pertain to a bucket for a construction machine, wherein the location where the side plate and the bottom plate are connected is reinforced.

Claims 16-18 and 22-27 pertain to a vibration damping device wherein the inner plate is sealed by means of the outer plate and the vibration dampened machine.

Claim 28 pertains to a vibration damping device wherein the outer plate and the vibration dampened machine are joined by means of a joining member.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-15, 17-21, 23-27	YES
	Claims	16, 22, 28	NO
Inventive step (IS)	Claims	3, 6, 9, 11, 13, 15, 19, 20	YES
	Claims	1, 2, 4, 5, 7, 8, 10, 12, 14, 16-18, 21-28	NO
Industrial applicability (IA)	Claims	1-28	YES
	Claims		NO

2. Citations and explanations

- Document 1: JP 2002-48188 A (Komatsu Ltd.), 15 February 2002
- Document 2: JP 2001-32210 A (Mitsui Engineering and Shipbuilding Co., Ltd.; Chuo University), 06 February 2001
- Document 3: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 3732/1981 (Laid-open No. 119851/1982), (Kubota Tekko Kabushiki Kaisha), 26 July 1982, (Family: none)

The invention set forth in claims 16, 22 and 28 is disclosed in document 1 (paragraph [0042] and fig. 8 (a) and (b)) cited in the international search report; therefore, it lacks novelty and does not involve an inventive step.

The invention set forth in claims 23-27 does not involve an inventive step in the light of the invention disclosed in document 1. It would be easy for a person skilled in the art to intermittently weld the continuously welded object. In addition, the features wherein the inner plate extends to the outer plate and said inner plate comprises contact parts that correspond to the contact

members on the members of the machine are merely design matters that can be configured by a person skilled in the art, as appropriate. Furthermore, delimiting numerical values for the lengths of the contact parts and/or the length of the protruding parts of the inner plate is also merely a design matter.

The invention set forth in claims 1, 2 and 17 does not involve an inventive step in the light of document 1 and document 2 (fig. 4, 6 and 8) cited in the international search report.

The invention set forth in claims 4, 5, 7, 8, 10, 12, 14, 18 and 21 does not involve an inventive step in the light of document 1, document 2 and document 3 (page 3, lines 1-5 and fig. 2) cited in the international search report.

The invention set forth in claims 3, 6, 9, 11, 13, 15, 19 and 20 is not disclosed in any of the documents that are cited in the international search report, and is not obvious to a person skilled in the art.

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VI. Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
JP 2003-176543 A [EX]	24 June 2003 (24.06.2003)	11 December 2001 (11.12.2001)	

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)